

Town of Washington, CT
P.O. Box 383
Washington Depot, CT 06794
ZONING COMMISSION
MINUTES
 Special Meeting
September 24, 2018

6:30 p.m.

Main Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven, Mr. Averill, Mr. Armstrong

ALT. PRESENT: Ms. Radosevich

ALT. ABSENT: Ms. Lodsins, Mr. Sivick

STAFF PRESENT: Ms. Hodza, Ms. White

ALSO PRESENT: Atty. Fisher, Mr. Sherr, Mr. Szymanski, Mr. Sedito, Mr. Becker, Mr. & Mrs. Barnet, Mrs. Solomon, Ms. Van Tarwijk, Mrs. Mathews, Mr. & Mrs. Fredlund, Ms. Freidman, Mr. Kubovy, Ms. Ingrassia, Ms. Firestone, Mr. & Mrs. Demeo, Mr. Angiollo, Mr. Stewart, Mr. Sedito, Mr. Jansen, Members of the Public

PUBLIC HEARINGS:

Chairman Solley called the meeting to order at 7:33 pm.

Seated: Mr. Solley, Mr. Reich, Mr. Averill, Mr. Werkhoven, Mr. Armstrong

Petition to Amend Sections 12.8 and 12.8.1 of the Washington Zoning Regulations regarding Permits for Temporary Events: Mr. Solley read the legal notice. He noted that the Zoning Commission has received many letters and he will read the names of people that have sent in letters through the mail, email or dropped off at the Land Use Office.

Ms. Hodza explained that there are lists comprised of people that live in town and out of town. She supplied an addendum as to what towns these people reside in.

Mr. Solley read the list of documents in the file, including the letters of support and opposition.

Mr. Solley read the requested revision language.

Mr. Solley read Ms. Hill's Administrative Report.

Mr. Solley reminded all in attendance that the petition was submitted by Mr. & Mrs. Fredlund of New Preston.

Mr. Solley read a letter from Mr. Hileman, Chairman of the Town of Washington Planning Commission, dated September 5, 2018, stating that the Planning Commission has reviewed and

discussed these most recently proposed revisions to the Town of Washington Zoning Regulations and does not find that the proposed revisions are consistent with the 2014 Town Plan of Conservation and Development.

Mr. Solley read the Referral Letter from the Northwest Hills Council of Governments. The letter explains the positive and negative effects of these type of temporary events on neighboring communities and included examples of how other area towns address temporary events in their regulations. In addition, the letter advised the Commission on the language and how it relates to other areas of the existing Zoning Regulations.

Mr. Solley asked the Fredlunds if they would like to make a statement.

Mrs. Fredlund thanked the Commissioners for their time spent on this and other matters. She stated that many times property owners do not think of the regulations until it affects something in your neighborhood. She explained that the 5 Senses Festival that occurred this summer had a seven-day festival that was spread over three weeks because the zoning regulations do not state seven consecutive days. Mrs. Fredlund stated this may have been brought to attention because of this summer but it does not have everything to do with the Five Senses Festival, the Ingrassias and Pilobolus but for every property owner that lives in a residential zone of this Town. She pointed out that there has never been an event that has lasted more than three days so there has never been a need to look at this regulation in more depth. Mrs. Fredlund suggested that the seven days could occur but possibly not on the same property for all seven days.

Mr. Solley asked if there was anyone present that has not already submitted a letter to the Zoning Commission that would like to speak.

Ms. Kunhardt from Nettleton Hollow stated that she is in support of events such as arts festivals because while it might not show impact on the vitality of the Town during the dates of the event, it has a long-term affect.

Mrs. Mathews of Bee Brook Rd stated that she enjoyed aspects of the Five Senses Festival but asked if there is some way this could be done with provisos, so it doesn't destroy the neighborhood. She stated that all the neighbors could hear the audio when the volume was up. She said they could also hear the rock event that was at the Judy Black Memorial Park. She added that she does not think that the Town needs to concentrate on events bringing money into the community. She feels that small town businesses are not doing well because of on line shopping.

Ms. Freidman of West Morris Road stated that this is not about preventing the Five Senses Festival but putting constraints on it that are fair to the neighbors. She does not feel the comparison of people that are in favor of the festival or not in favor of the festival is the question.

Mr. Kubovy of Pilobolus explained that this was a rare collaboration that worked to allow the Five Senses Festival to occur. He noted that it would not be possible to move certain events to different areas of the Town, it would be difficult to replicate the Ingrassia's property and it

would break down the economic model if it were to be reduced to three days. He stated that the festival could not occur under those time constraints and Pilobolus would most likely have to relocate.

Ms. Pasch from Buffum Road stated that she does not understand why the festival would not take place if Pilobolus does not participate because there were other performers at the festival.

Mrs. Ingrassia, Whittlesey Road, stated that Mr. Kubovy of Pilobolus is the one who has established relationships with all the artists that participated in the Five Senses Festival and was able to coordinate the event through his connections. She does not feel that there is anyone else in Town that would be able to bring all of these talents together. Mrs. Ingrassia agrees with Mr. Kubovy that this event would not be possible if it had to occur within seven consecutive days.

Mr. Solley noted that the Ingrassias and Atty. Kelly had previously petitioned to have the regulations increase the time period under 12.8 to include up to 21 days and this was denied. He informed everyone that the Town Counsel has advised the Commission that the existing regulations intended 7 consecutive days.

Ms. Klemm of Old North Road feels that Pilobolus is important to the community and that there are a lot of weekend home property owners that are attracted to events such as this.

Ms. Firestone of Pilobolus stated that she is not a resident but explained the time constraints of getting the event set up and arranged and that would not be possible or economically viable in three days.

Mr. Demeo of Kinney Hill Road stated that 3 weekends out of the summer was intrusive and excessive.

Ms. Audette of Lower Church Hill Road stated that she works for the Ingrassias and worked on the infrastructure of the property and watched the event evolve. She acknowledged that she appreciates the neighbor's unhappiness about the noise and that she has experienced that as well and feels that it is something this town experiences in the summer. Ms. Audette saw that it offered a lot of different things for a range of people. She agrees that limiting temporary events to 3 days in the regulations would make this event unfeasible economically. Ms. Audette referred to the POCD and how it states how the arts are important and should be supported in the Town. She stated that she is not in favor of this petition.

Mr. Sherr of Cook Street and of the Town's Economic Development Committee asked if there were any other issues other than noise regarding this event. He noted that most of the Northwest Corner is going to benefit economically from the arts for the next ten plus years. He said that if the issue is noise, then that is what we should be focusing on.

Mr. Solley responded that he does not think that it is just about the noise but the neighbors' rights when living in a residential district. He discussed some history of the events that have taken place in the Town of Washington over the years.

Ms. Bezos of Bridgewater feels that the greater good needs to be considered. She has rarely stayed at her home in the summer as much as she did this past summer. She feels these types of events make the community more vibrant.

Mrs. Mathews of Bee Brook Road asked that she speak on behalf of her husband who was out of town. He said that “the festival and its content were thrilling” and that he hopes it can still exist in some form. Mr. and Mrs. Mathews believes the sound issue could be solved very easily using technology and sound attenuating methods.

Mr. Averill asked if there is a definition of an arts festival or what is not an arts festival in one or two sentences that could be defined in the zoning regulations.

There was a brief discussion regarding what an arts festival entails. Ms. Van Tartwijk read a definition from the internet.

Mr. Reich discussed what industries bring money into Washington. He said that he was interested in numbers.

Mr. Sherr responded that retail and the arts are very close as far as how many jobs they create. He stated that he could give Mr. Reich the numbers.

Mr. Kubovy discussed how many local people were hired for the 5 Senses Festival for food, construction, etc.

Mr. Armstrong stated that he thinks it would be difficult to specifically define what arts festivals entail. He feels that it becomes problematic when it is planned on a private property and the infrastructure needs to be built properly and certain limits indicated regarding the number of attendees. He would like to concentrate on more of the aspect of setting up a venue that is thought through and properly designed.

Mr. Reich responded that government seems to be moving towards hard and fast definitions and numbers.

There was a brief discussion regarding previous meetings of this year when the Five Senses Festival was being proposed and how it would be a sort of test to see how things went.

Ms. Hodza reminded everyone present that this petition is not just about the Five Senses Festival and that the public hearing is not the time for deliberations.

Mr. Werkhoven asked Mr. Kubovy to clarify that he did not want seven consecutive days because seven consecutive days would not work.

Mr. Kubovy confirmed.

Mr. Werkhoven stated that the existing zoning regulation would have to change if they were to allow seven days that could be spread out. He mentioned that the possibility of having it in different areas of town would have to be considered.

Mr. Kubovy responded that requiring them to have the festival in different locations over the seven days would not work because the moving and set up is a significant portion of the cost of

the festival. He informed the Commission that they are willing to work on the sound attenuation. He discussed the concept of having the festival in an open area surrounded by nature. Mr. Kubovy assured everyone present that they are not planning on expanding the festival in terms of people or timing. He estimated that there were approximately 4,000 people in attendance over the seven days and no more than 300 people for any single event.

Mr. Stewart of Nettleton Hollow Road stated that he was proud that and internationally acclaimed group such as Pilobolus had made their home here in Washington. He attended some of the events and said it was “magical.” He added that it was very well organized, and the only problem was the mud. He doesn’t want to discount the neighbors’ problem with the sound but feels the greater good should be considered.

Mr. Bartholomew of School Street asked the Commissioners to think a bit broader. He explained that many events happen at the primary fields and if he doesn’t want to hear the noise he leaves town.

Mr. Armstrong asked if what has been built on this 30-acre property for this festival would be used again for the festivals that follow.

Mr. Kubovy stated that they built the infrastructure in such a way that they would be able to have the capability of providing different things each year at the festival but have the structures, electricity, facilities, etc. in place.

The Commissioners discussed continuing the public hearing or to October 22nd or closing tonight.

There was a brief discussion regarding the type of emails and correspondence the Land Use Office received.

Mr. Kubovy stated that it is worth noting that many of these emails came from a broad range of people of all ages, from many places and many backgrounds.

Mr. Averill noted that the Zoning Commission must decide what is the best for the R1 Zone.

MOTION: To close the public hearing to consider the Petition to Amend Sections 12.8 and 12.8.1 of the Washington Zoning Regulations, by Mr. Werkhoven, seconded by Mr. Averill, passed by 4-1. Mr. Armstrong voted against closing the public hearing.

9:23 pm - Mr. Solley called a break

9:30 pm - Mr. Solley reconvened the public hearings:

Seated: Mr. Solley, Mr. Reich, Mr. Averill, Mr. Werkhoven, Mr. Armstrong

Erben Partners, LLC/169 West Shore Road/Special Permit: Section 17.9/Reconstruct Accessory Building:

Mr. Solley read the legal notice for this public hearing and Ms. Hill’s Administrative Report dated 9/12/18.

Mr. Szymanski was present to represent the property owner and submitted a list of adjoining neighbors and certificates of mailing to the neighbors. He then went through Ms. Hill's review and his response item by item.

Mr. Sedito of Ruscoe-Sedito and Mr. Jansen, Architect confirmed that they have looked at the existing structure and it is both their opinions that it is not salvageable and should be torn down and rebuilt.

It was noted that a Zoning Location Survey was submitted. The Commissioners and Mr. Szymanski looked at the Zoning Location Survey.

Mr. Szymanski and the Commissioners looked at sheet SD.1. He discussed the drainage plan and the runoff infiltration system. He noted that they will be removing the concrete seawall and replacing them with angular boulders.

Mr. Solley requested that Mr. Szymanski change the labelling on two of the sheets that indicate the structure as a single-family dwelling and that all drawings must be consistent. There was a brief discussion regarding the water retention area.

Mr. Szymanski discussed the location of the old septic system and described how the affluent will be pumped uphill to a new septic system.

It was noted that the architectural style will be different than what exists. Mr. Schwartz stated that he has letters of support from neighbors regarding the style.

The footprint will remain the same.

There were no comments from the public.

There was a brief discussion regarding removing the 36' oak tree. Mr. Schwartz stated that the tree is hollow and will be removed.

Mr. Szymanski noted that there will be no cooking facilities in the structure.

There was a brief discussion regarding the floor plan.

Mr. Szymanski explained the process of filling in the water area that was under the original structure.

MOTION: To close the public hearing to consider the application submitted by Erben Partners, LLC., 169 West Shore Rd for a Special Permit: Section 17.9 to Reconstruct Accessory Building, by Mr. Reich, seconded by Mr. Werkhoven, passed by 5-0 vote.

REGULAR MEETING:

Chairman Solley called the Regular Meeting to order at 10:09 pm

Seated: Mr. Solley, Mr. Reich, Mr. Averill, Mr. Werkhoven, Mr. Armstrong

Subsequent Business:

Mr. Solley explained that the following application was submitted before any changes have been made to the existing zoning regulations. Ms. Hodza stated that she had to deny the first application that was submitted due to an error in the address that was listed.

Ms. Hodza stated that she did not feel comfortable making an administrative decision on this application due to the current discussion of regulation changes.

MOTION: To add Subsequent Business under Other Business to discuss the Administrative Application dated September 9/14/18 submitted by Ingrassia/282, 284 & 288 Bee Brook Rd./Zoning Permit for a Temporary Event for an Arts Festival on July 21, 26-28, August 2-4 2019, by Mr. Solley, seconded by Mr. Reich, passed by 5-0.

Consideration of the Minutes:

The Commissioners considered both sets of minutes.

MOTION: To approve the Regular Meeting Minutes of August 27, 2018 and the Special Meeting Minutes of August 28, 2018 as submitted, by Mr. Averill, seconded by Mr. Werkhoven, passed by 5-0 vote.

Pending Application(s):**Erben Partners, LLC/169 West Shore Road/Special Permit: Section 17.9/Reconstruct Accessory Building:**

Mr. Solley stated that it is his opinion that the applicant has met the requirements of Section 17.9. He asked the other Commissioners whether they thought any conditions would be necessary. The Commissioners felt that everything has been addressed.

MOTION: To approve the application submitted by Erben Partners, LLC., 169 West Shore Rd for a Special Permit: Section 17.9 to Reconstruct Accessory Building, as per plan sheets SD.1- Revision date 9/21/18, ZL.1 dated May 25, 2017, and SDS.1 dated August 6, 2018 by A.H. Howland & Associates prepared for Erben Partners, LLC, by Mr. Solley, seconded by Mr. Averill, passed by 5-0 vote.

New Application(s):**Other Business:**

The Commissioners discussed what they might want to consider with this application. Ms. Hodza stated that someone must act on this application within 65 days. The Commissioners agreed to wait until they could consult with Town Counsel.

MOTION: To continue the discussion of the Administrative Application dated September 9/14/18 submitted by Ingrassia/282, 284 & 288 Bee Brook Rd./Zoning Permit for a Temporary Event for an Arts Festival on July 21, 26-28, August 2-4 2019, to the Regularly Scheduled for October 22, 2018 in order to consult with Town Counsel, by Mr. Werkhoven, seconded by Mr. Averill, passed by 5-0.

Petition to Amend Sections 12.8 and 12.8.1 of the Washington Zoning Regulations – Deliberation if Public Hearing is Closed:

The Commissioners discussed and agreed to continue deliberations at the next regularly scheduled Zoning Meeting.

MOTION: To continue for deliberation regarding the Petition to Amend Sections 12.8 and 12.8.1 of the Washington Zoning Regulations, in order to consult with Town Counsel, by Mr. Averill, seconded by Mr. Werkhoven, passed by 5-0 vote.

101 Wykeham Road, LLC. /101 Wykeham Road/Motion to Correct Plan Dates in 8/28/18 Motion of Approval:

It was noted that the incorrect dates were cited in the motion of approval for the 101 Wykeham Road, LLC. application to revise the special permit and site plan. Mr. Solley made the following motion to correct the record.

MOTION: Regarding 101 Wykeham Road, LLC./101 Wykeham Road/Application to Revise Special Permit and Site Plan: to correct the record of the 8/28/18 motion for approval to reflect the latest revision dates that were on the plans that were referenced in the original motion; the correct dates are: Sheet C.1 revised to 7/2/18, EC.1, EC.2, RM.1 revised to 2/20/18, OSD.1 revised to 7/2/18, OSD.2, OSD.3, SD.2, SEQ.1a, SEQ.1b, SEQ.2, SEQ.3, SEQ.4 revised to 6/18/18, PL.1, PL.2, PL.3 revised to 7/2/18, PL.4, PL.5, PL.6, SES.1 revised to 2/20/18, D.1 revised to 7/2/18, D.2, D.3 revised to 2/20/18, D.4, D.5, D.6 revised to 7/2/18, by Mr. Solley, seconded by Mr. Werkhoven, passed by 5-0 vote.

Privilege of the Floor:

There were no requests from the public to speak.

Adjournment:

MOTION: To adjourn at 10:30 pm, by Mr. Averill, seconded by Mr. Solley, passed unanimously.

Respectfully submitted,

By: _____
Shelley White, Land Use Clerk
October 1, 2018

***All documents are on file in the Land Use Office and a digital recording of this meeting is available upon request.**

